

mon or usual name of each active ingredient; and, Section 502 (f) (1), the labeling of the article failed to bear adequate directions for use.

DISPOSITION: November 16, 1953. The defendant having entered a plea of nolo contendere, the court fined him \$450.

4211. Misbranding of dried herbs. U. S. v. Charles E. Farley (Botanical & Marine Laboratories). Motion denied to dismiss information. Plea of nolo contendere. Sentence of 3 months in prison suspended and defendant placed on probation for 2 years. (F. D. C. No. 33762. Sample Nos. 5261-L, 5262-L, 5270-L, 6111-L.)

INFORMATION FILED: April 6, 1953, District of New Hampshire, against Charles E. Farley, trading as Botanical & Marine Laboratories, Manchester, N. H.

ALLEGED SHIPMENT: On or about December 30, 1950, and January 30, February 16, and November 9, 1951, from the State of New Hampshire into the States of Maine and Massachusetts.

LABEL, IN PART: "The Genuine Abbe Hamon Tea prepared By Botanical and Marine Laboratories \* \* \* Formula No. 6 [or "Formula No. 11"], "Abbe Hamon Formula Compounded and Packed In U. S. A. By Botanical and Marine Laboratories \* \* \* Formula No. 1," and "The Genuine Abbe Hamon \* \* \* Formula No. 13."

NATURE OF CHARGE: *Abbe Hamon Formula No. 1*. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article were false and misleading. The statements represented and suggested that the article would be an adequate and effective treatment for diabetes; that it would enable organs of the body which refuse to perform their usual functions to again operate normally; and that it would heal illnesses and correct organic disorders brought about by daily abuse during months and years. The article would not be an adequate and effective treatment for diabetes, and it would not accomplish the results claimed. Further misbranding, Section 502 (f) (1), the directions for use appearing in the labeling of the article were not adequate for use in the treatment of diabetes; to enable organs of the body which refuse to perform their usual functions to again operate normally; and to heal illnesses and correct disorders brought about by daily abuse during months and years, which were the conditions and symptoms for which the article was prescribed, recommended, and suggested in its labeling.

*Abbe Hamon Formula No. 6*. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article were false and misleading. The statements represented and suggested that the article would be an adequate and effective treatment for epilepsy, all diseases of the nerves, neuralgia, insomnia, eclampsia, chorea, hysteria, and neurasthenia. The article would not be an adequate and effective treatment for such diseases and conditions. Further misbranding, Section 502 (f) (1), the directions for use appearing in the labeling of the article were not adequate for use in the treatment of the ailments and conditions for which the article was prescribed, recommended, and suggested in its labeling.

*Abbe Hamon Formula No. 11*. Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article were false and misleading. The statements represented and suggested that the article would be an effective and adequate treatment for obesity, paralysis, goiter, and arteriosclerosis; that it would enable organs of the body which refuse to perform their usual functions to again operate normally; and that it would heal illnesses and correct

organic disorders brought about by daily abuse during months and years. The article would not be an adequate and effective treatment for the diseases and conditions mentioned, and it would not accomplish the results claimed. Further misbranding, Section 502 (f) (1), the directions for use appearing in the labeling of the article, were not adequate for use in the treatment of obesity, paralysis, goiter, and arteriosclerosis; to enable organs of the body which refuse to perform their usual functions to again operate normally; and to heal illnesses and correct disorders brought about by daily abuse during months and years, which were the conditions and symptoms for which the article was prescribed, recommended, and suggested in its labeling.

*Abbe Hamon Formula No. 13.* Misbranding, Section 502 (a), certain statements in the accompanying labeling of the article were false and misleading. The statements represented and suggested that the article would enable the organs of the body which refuse to perform their usual functions to again operate normally, and that the article would heal illnesses and correct organic disorders brought about by daily abuse during months and years. The article would not accomplish the results claimed. Further misbranding, Section 502 (f) (1), the directions for use appearing in the labeling of the article were not adequate for use to enable organs of the body which refuse to perform their usual functions to again operate normally, and to heal illnesses and correct disorders brought about by daily abuse during months and years, which were the conditions and symptoms for which the article was prescribed, recommended, and suggested in its labeling.

**DISPOSITION:** On May 18, 1953, the defendant filed a motion to dismiss the information, and on June 8, 1953, the court denied such motion. On October 14, 1953, the defendant having entered a plea of nolo contendere, the court imposed a sentence of 3 months in jail which was suspended and placed the defendant on probation for 2 years.

**4212. Adulteration and misbranding of C-Tone. U. S. v. 210 Bottles \* \* \*.**  
(F. D. C. No. 35419. Sample No. 57603-L.)

**LIBEL FILED:** September 4, 1953, District of Columbia.

**ALLEGED SHIPMENT:** On or about August 17, 1953, by Balanced Foods, Inc., from New York, N. Y.

**PRODUCT:** 210 bottles of *C-Tone* at Washington, D. C. Analysis showed that 4 tablespoons of the product contained 0.04 milligram of niacin.

**LABEL, IN PART:** (Bottle) "Rich In Activated Enzymes *C-Tone* The Natural Vitamin C Tonic \* \* \* Four tablespoons furnish: \* \* \* Natural Niacin . . . 0.08 mg. \* \* \* 8 Fl. Oz. Net."

**NATURE OF CHARGE:** Adulteration, Section 501 (c), the strength of the article differed from that which it purported and was represented to possess, namely, 0.08 milligram of niacin per 4 tablespoons.

Misbranding, Section 502 (a), the label statement "Four tablespoons furnish: \* \* \* Natural Niacin . . . 0.08 mg." was false and misleading as applied to the article, which contained 0.04 milligram of niacin per 4 tablespoons; and the label statements "Rich In Activated Enzymes" and "Vitamin C Tonic" were false and misleading since such statements represented and suggested that the article was of nutritional and therapeutic value because of enzyme content and that it was effective as a tonic, whereas the article was of no